

104 KAR 1:090. Categories of protected persons required to fulfill reporting requirements.

RELATES TO: KRS 344.010, 344.050, 344.060, 344.070, 344.180, 344.190, 344.250, 344.360, 344.370

STATUTORY AUTHORITY: CCH OFCCP Compliance Manual Chapter 2, sec. 2-160.4b, Paragraph 2164, 29 C.F.R. 1602.13

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation establishes the standards for categorizing protected persons for the purposes of fulfilling reporting requirements. These categories have been utilized by the Equal Employment Opportunity Commission and the U.S. Department of Labor and are used by the Kentucky Commission on Human Rights.

Section 1. Definitions.

(1) "American Indian or Alaskan native" means all persons having origin in any of the original persons of North America and who maintain cultural identification through nation's affiliation or community recognition.

(2) "Asian or Pacific Islander" means all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. The Far East and Southeast Asia area includes China, Japan, Samoa and Vietnam, Cambodia, Laos, and Thailand. The Indian Subcontinent includes India, Pakistan, Bangladesh, Sri Lanka, Nepal, Sikkim, and Bhatan. The Pacific Islands include the Philippine Islands.

(3) "Hispanic" means all persons having origins in Mexico, Puerto Rico, Cuba, and Central or South America. Persons who may have adopted the Spanish culture but are not otherwise of Spanish origin are to be treated according to their racial identity. Persons having their origin in the racial groups of Africa shall be excluded. Persons of Portuguese ancestry shall be classified as white-caucasians.

(4) "White or caucasian" means all persons having origins in any of the original peoples of Europe, North Africa, or the Middle East. It shall not include persons having Spanish origins or cultures.

(5) "Black or African American" means all persons whose origins are the black racial groups of Africa and some people from South America, such as Brazil, Guyana, Surinam, or Trinidad.

(6) "Multiracial or biracial" means any persons whose parents are of different racial or national origins.

Section 2. Submission of Records. Employers, licensing agencies, labor organizations, financial institutions and real estate operators shall use categories established by Section 1 of this administrative regulation to provide information upon receipt of a complaint of discrimination or to submit annual reports.

Section 3. A person or entity required to make reports shall advise the persons whose racial or national origin status is identified that the information shall be treated confidentially and used for reporting purposes only.

(19 Ky.R. 2158; Am. 2396; eff. 5-10-93; Crt eff. 1-29-2020.)